

APPEAL NO. 031481
FILED JULY 23, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 19, 2003. With respect to the issues before him, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease, with a date of injury of _____, and that the respondent (carrier) would not be relieved from liability in this case pursuant to Section 409.004 because of the claimant's failure to timely file a claim for compensation with the Texas Workers' Compensation Commission. In his appeal, the claimant asserts error in the hearing officer's injury determination. In its response, the carrier urges affirmance. The hearing officer's determination that the carrier would not be relieved of liability in accordance with Section 409.004 has not been appealed and has become final. Section 410.169.

DECISION

Affirmed.

At the outset we note that, in addition to his request for appeal, the claimant filed a "Request for Extension of Time" to file his appeal, because he has requested a benefit review conference on the issue of carrier waiver. The claimant requests a delay in the consideration of the present appeal so that he can have a second hearing on the waiver issue and then the issues could be consolidated on appeal. The Appeals Panel cannot grant an extension of time for the filing of a request for review because we lack any authority to do so under the 1989 Act. Texas Workers' Compensation Commission Appeal No. 952111, decided January 24, 1996.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury in the form of an occupational disease with a date of injury of _____. The claimant had the burden of proving that he sustained a compensable injury as alleged. The hearing officer is the sole judge of the weight and the credibility to be given the evidence. Section 410.165(a). The hearing officer determined that "[t]he claimant's employment, including but not limited to the use of cutting oils in that employment, neither caused nor aggravated the claimant's recurrent dermatitis." The hearing officer's determination in that regard is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse the hearing officer's injury determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TEXAS PROPERTY & CASUALTY INSURANCE GUARANTY ASSOCIATION for Colonial Casualty Insurance Company, an impaired carrier** and the name and address of its registered agent for service of process is

**MARVIN KELLY, EXECUTIVE DIRECTOR
9120 BURNET ROAD
AUSTIN, TEXAS 78758.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Edward Vilano
Appeals Judge